

with a specific amino acid sequence..." The Examiner admits that the "Applicants have possession of a nucleic acid molecule which encodes a protein of SEQ ID NO:4 [noting that] this nucleic acid molecule has a nucleic acid sequence of SEQ ID NO:3."

Applicants respectfully submit that Claim 47 as amended, recites an isolated nucleic acid comprising Figure 2 (SEQ ID NO:3). Support for the amendment to Claim 47 is found throughout the specification and particularly at original Claim 32, Figure 2 and Page 6, Lines 27-30, for example.

The Examiner also alleges that the "application fails to provide a written description of the species or genus which are encompassed by the claimed...nucleic acids which hybridize to SEQ ID NO:3 under low stringency conditions...". Applicants respectfully submit that the specification adequately describes examples of nucleic acids capable of hybridizing to SEQ ID NO:3. Specifically, nucleic acids corresponding to SEQ ID NOS:5, 7 and 9 are respectively 98.9, 95.1 and 99.2 identical (at the nucleic acid level) to SEQ ID NO:3. In this regard, applicants submit that SEQ ID NOS:5, 7 and 9 hybridize under low stringency conditions to a reverse complement of SEQ ID NO:3. The Examiner's attention is respectfully directed to the specification at Page 14, Example 1 wherein several cDNA clones were obtained by hybridization to SEQ ID NO:3. However, in an effort to further favorable prosecution on the merits,

applicants have cancelled Claim 51, without prejudice. Applicants reserve the right to file a continuing application directed to the subject matter of the cancelled claims. Accordingly, the rejections of Claims 47 and 51 under 35 U.S.C. §112, first paragraph are overcome and withdrawal thereof is respectfully requested.

The Examiner has objected to the Brief Description of the Figures under 37 C.F.R. §1.84(u)(i). Applicants will amend the Brief Description of the Figures upon indication of the allowance of the pending claims.

The Declaration has been objected to due as allegedly containing an illegible address for Gunther Weber. Applicants are undertaking to obtain a substitute declaration and will forward such declaration to the United States Patent and Trademark Office upon receipt thereof.

Thus, in view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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